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BOX AF

Response Under 37 C.F.R. §1.116
Expedited Procedure
Group Art Unit: 2872

PATENT
ATTORNEY DOCKET NO.: 046601-5053

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|--------------------------------|---|------------------------|
| In re Application of: |) | Mail Stop AF |
| |) | |
| Masayoshi OKURA, et al. |) | Confirmation No.: 1505 |
| |) | |
| Application No.: 09/613,742 |) | Group Art Unit: 2872 |
| |) | |
| Filed: July 11, 2000 |) | Examiner: J. PHAN |
| |) | |
| For: ROTARY DEFLECTOR, OPTICAL |) | |
| SCANNING UNIT AND IMAGE |) | |
| FORMING APPARATUS |) | |

Commissioner for Patents
U.S. Patent & Trademark Office
Mail Stop AF
Alexandria, VA 22314

Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is an Amendment Under 37 C.F.R. § 1.116 responding to the Final Office Action dated October 6, 2004.

2. Additional papers enclosed:

- ☐ Drawings: ☐ Formal ☐ Informal (Correction)
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, _____ references included
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. **Notice of Appeal Fee – 37 C.F.R. § 1.17(b)**

- ☐ The fee in the amount of \$500.00 to cover the appeal fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge the Notice of Appeal fee to Deposit Account No. 50-0310. The amount is \$500.00.

4. **Extension of Time**

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.
- ☒ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

| <u>Total Months Requested</u> | <u>Fee for Extension</u> | <u>[Fee for Small Entity]</u> |
|--|--------------------------|-------------------------------|
| <input type="checkbox"/> one month | \$ 120.00 | \$ 60.00 |
| <input type="checkbox"/> two months | \$ 450.00 | \$ 225.00 |
| <input checked="" type="checkbox"/> three months | \$ 1,020.00 | \$ 510.00 |
| <input type="checkbox"/> four months | \$ 1,590.00 | \$ 795.00 |

Extension of time fee due with this request: **\$ 1,020.00.**

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for ____ months has already been secured and the fee paid therefor of \$____ is deducted from the total fee due for the total months of extension now requested.

5. **Constructive Petition**

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

6. Fee Calculation (37 C.F.R. §1.16)

| CLAIMS AS AMENDED | | | | | | |
|---|---|-------|--------------------------------|------------------|---------------|------------|
| | Claims Remaining After Amendment | | Highest No. Previously Paid | Present Extra | at Rate of | Total Fees |
| Total Claims (37 C.F.R. §1.16(c)) | 9 | minus | 20 | 0 | x \$50 each= | + \$ |
| Independent Claims (37 C.F.R. §1.16(b)) | 3 | minus | 3 | 3 | x \$200 each= | + \$ |
| [] First presentation of Multiple dependent claim(s) | | | | | \$360.00 | + \$ |
| SUB-TOTAL = | | | | | | \$ |
| Reduction by ½ for filing by a small entity | | | | | | - \$ |
| TOTAL FEE = | | | | | | \$ 0.00 |

7 Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ The Commissioner is hereby authorized to charge **\$1,520.00** (\$1,020.00 for the 3-month extension of time fee and \$500.00 for the Notice of Appeal filing fee due) to Deposit Account No. 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: March 29, 2005

By: Mary Jane Boswell
Mary Jane Boswell
Reg. No. 33,652

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Sir:

AMENDMENT UNDER 37 C.F.R. § 1.116

In response to the Final Office Action dated October 6, 2004 (Paper No. 20041004), and pursuant to 37 C.F.R. §1.116, the period for reply to which has been extended to April 6, 2005, by a petition for a 3-month extension of time filed concurrently herewith, entry of the following amendments is respectfully requested to place the application in clear condition for allowance or, alternatively, in better form for appeal.